

'An act to amend Article 178, chapter 4, title 6, of the Penal Code of the State of Texas.'

Referred to Judiciary Committee No. 2.

And,

Senate bill No. 103.

A bill to be entitled:

"An act to authorize railway companies to abandon certain portions of their roads near the coast, where their termini are at points where towns being county sites have been destroyed by storms and cyclones."

And

That the House had passed the Senate joint resolution providing for a joint committee to investigate and report what appropriation is necessary to furnish the new capitol, purchase grounds, etc., and that Messrs. Garwood, Gresham, Battle, Dolen, Truit, McGuire, Faubion and Baylor were appointed on said committee on the part of the House.

BILLS AND RESOLUTIONS.

BY SENATOR CLAIBORNE,

By leave:

"An act to amend Article 586, title 20, of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

BY SENATOR JARVIS:

"A bill to be entitled 'an act to provide for the sale of a portion of the arid lands set apart to the public free schools situated along and in the region of the Pecos river.'"

Referred to Committee on Public Lands.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY SECOND DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, February 16, 1887. }

The Senate met pursuant to adjournment,

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woods,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woods,

Senator Garrison was excused for the day on account of sickness.

The President gave notice of signing Senate bill No. 103.

A bill to be entitled:

"An act to authorize railway companies to abandon certain portions of their roads near the coast, where their termini are at points where towns being county sites have been destroyed by storms and cyclones."

PETITIONS AND MEMORIALS.

BY SENATOR DAVIS:

Petition from citizens of Madison county, Texas, asking the enactment of a law authorizing the chartering of co-operative associations.

Referred to Judiciary Committee No. 1.

And,

Petition of citizens of Texas praying for the establishment of a State Reformatory, etc.

Ordered to lie on table to be considered in connection with bills on the subject.

REPORTS OF STANDING COMMITTEES.

BY SENATOR GLASSCOCK:

COMMITTEE ROOM, }

AUSTIN, February 15, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Education, to whom was referred Senate bill No. 212, entitled:

"An act to provide for the adoption and introduction of a uniform system of text books, and the establishment and maintenance of school libraries," and House bill No. 15, entitled:

"An act to provide for the voluntary adoption and introduction by counties of a uniform system of text books in the public free schools; also, to authorize trustees of schools to purchase text books under certain circumstances and to provide a penalty for violations of the provisions of this act by any school officer or teacher." have had the same under consideration, and instruct me to report back the following substitute to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK, chairman.

Bill read first time with committee substitute.

BY SENATOR UPSHAW:

COMMITTEE ROOM,)
AUSTIN, February 15, 1887.)
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Roads and Bridges, to whom was referred Senate bill No. 190, entitled "An act to repeal an act to amend Article 4360, of title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads except for the purpose of shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act," approved February 2, 1884, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The object of the bill is to repeal Article 4360, chapter 11, of the acts of the special session of the Eighteenth Legislature, approved February 2, 1884, which gives the commissioners' court full power to lay out and open public roads, with the proviso that no public road shall be altered or changed except for the purpose of shortening it, and provides that said court shall alter or discontinue any road whenever it shall be deemed expedient.

All of which is respectfully submitted.

UPSHAW, chairman.

Bill read first time.

COMMITTEE ROOM,)
AUSTIN, February 15, 1887.)
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Roads and Bridges, to whom was referred Senate bill No. 54, entitled:

"An act to amend section 3, chapter 18, of an act entitled 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay same, and also to validate bonds heretofore issued, passed at special session of Eighteenth Legislature,'" have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill amends the section and chapter above mentioned so as to provide that no county already indebted shall issue a larger amount of bonds than a tax of ten cents on the one hundred dollar valuation of property in the county will liquidate in ten years, and also that counties having

no debts may issue such an amount of bonds as a tax of ten cents on the one hundred dollar valuation of property in the county will liquidate in fifteen years.

All of which is respectfully submitted.

UPSHAW, chairman.

Bill read first time.

BY SENATOR JARVIS:

COMMITTEE ROOM,)
AUSTIN, February —, 1887.)
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate bill No. 188, entitled:

"An act to amend an act to amend Article 4761 of the Revised Civil Statutes, approved April 24, 1879," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments: After the last line of the bill add "Any collector of taxes failing to comply with the provisions of this Article shall be fined in a sum not less than five hundred and not more than one thousand dollars, and each failure to make the required report shall constitute a separate offense, and it shall be the duty of the comptroller to notify the county attorney or district attorney of the county in which the collector resides of any failure to comply with the provisions of this law.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM,)
AUSTIN, February 15, 1887.)
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred substitute House bill No. 24, entitled:

"An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend section 1 by striking out the words, "from the passage of this act," and inserting "from the date on which this act takes effect."

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

BY SENATOR POPE:

COMMITTEE ROOM, }
AUSTIN, February 15, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Public Lands, to whom was referred Senate bill No. 200, entitled:

"An act in regard to lands and land titles in Greer county, and to repeal an act entitled, 'An act to set aside the public lands embraced within the territorial limits of the county of Greer to educational purposes, for the payment of the public debt,' approved February 25, 1879, so far as it conflicts therewith," have had the same under consideration and instruct me to report it back to the Senate with the accompanying amendment, and to recommend that the bill so amended do pass.

The object of the bill is to validate patents to certain lands located in Greer county, and to repeal an act to set aside the public lands in Greer county to educational purposes and for the payment of public debt, approved February 25, 1879, as far as it conflicts with this bill.

All of which is respectfully submitted.

POPE, chairman.

COMMITTEE AMENDMENT.

Strike out all of section 3 of the bill.
Bill read first time.

SENATOR BELL

Gave notice of intention to file minority report on the bill.

A message was received from the House, announcing the passage by the House of substitute House bill No. 75.

"An act to amend the charter of the city of Galveston," etc.

Referred to Committee on State Affairs.

BILLS AND RESOLUTIONS.

BY SENATOR HARRISON:

"An act to amend chapter 4, title 29, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1199a."

Referred to Judiciary Committee No. 1.

The Article added reads: "In suits for breach of warranty of title to lands where the vendors liable thereon live

in different counties, the plaintiff may bring his action in any county where either of such vendors reside, and join all other vendors in one and the same suit."

BY SENATOR WOODS:

"A bill fixing the venue of suits for damages growing out of the wrongful levy of writs of attachment and sequestration.

Referred to Judiciary Committee No. 1.

The bill fixes the venue of such suits in any county from which such writ issued, or in any county in which any such levy is made within this state."

On motion of Senator Glasscock,
Senate joint resolution No. 4, being:

"Joint resolution authorizing the Attorney General to institute suit against all railroad companies and all other chartered companies which have obtained lands from the State of Texas, for the forfeiture and recovery of such land," was taken up and adopted.

On motion of Senator Upshaw,
Substitute Senate bill No. 22 (the railway commission bill), was taken up out of its regular order and made the special order for to-morrow after morning call, and from day to day until disposed of.

BY SENATOR HOUSTON:

By leave:
Petition of citizens of Montague county, requesting relief from taxation on account of drouth.

Referred to Committee on Finance.
And

The Governor's message transmitting the amendments of the Bar Association of the State to the Judiciary Article of the State Constitution.

Referred to Committee on Constitutional Amendments.

BY SENATOR TERRELL:

By leave:
Memorial of the State Bar Association relating to Law Reform, Judicial Administration and Remedial Procedure.

Referred to Judiciary Committee No. 1.

By leave:

SENATOR HARRISON

Sent up the following committee report:

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Counties and County Boundaries, to whom was referred House bill No. 228, entitled:

"An act to create the counties of Albion, Hayne, Jeff Davis and Prentiss from Presidio county," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the accompanying amendments All of which is respectfully submitted.

HARRISON, chairman.

House bill No. 228:

Amendment No. 1:

Strike out the word "Albion" whenever it appears in the said bill and insert therefor the word "Buchel."

Amendment No. 2:

Strike out the word "Hayne" whenever it appears in said bill and insert therefor the word "Foley."

Amendment No. 3:

Strike out all in line 8, section 1, after the words "out of the."

Amendment No. 5:

Strike out the word "counties" in line 9, section 1, and insert therefor the word "county" and strike out the word "El Paso" in same line.

Amendment No. 6:

After the word "West" in line 24, page 2, section 1, insert the words "along the boundary line between Presidio and El Paso counties."

Amendment No. 7:

Strike out the word "counties," in line 3, section 2, and insert instead the word "county."

Amendment No. 8:

Strike out the word "counties," in line 6, page 3, section 2, and insert therefor the word "county," also strike out of same line the words "and El Paso."

Amendment No. 9:

Strike out the words "each of," in line 11, page 3, section 2; also strike out the word "counties," in same line, and insert "county" therefor.

Amendment No. 10:

Strike out word "respectively," in line 12, page 3, section 2.

Amendment No. 11:

Strike out the word "counties," in line 15, page 3, section 2, and insert "county" therefor.

Amendment No. 12:

Strike out the words "respective

boards," in line 16, page 3, section 2, and insert therefor the word "board."
Bill read first time.

THE SPECIAL ORDER,

The reading of the Journal of the 14th inst., was taken up, and the Secretary proceed to read, and

On motion of Senator Burney,

Further action on the special order was postponed indefinitely.

SENATOR ABERCROMBIE

Sent up the following privileged report:

COMMITTEE ROOM, }
AUSTIN, February 16, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 103, being

"An act to authorize railway companies to abandon certain portions of their roads near the coast, where their termini are at points where towns being county sites have been destroyed by storms and cyclones," and find the same correctly enrolled, and have this day, at 10 o'clock and 15 minutes a. m., presented the same to the Governor for his approval.

ABERCROMBIE, chairman.

On motion of Senator Terrell,
Senate bill No. 134.

"An act to amend Article 568, title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas," was taken up and read second time with favorable committee report, and ordered engrossed.

On motion of Senator Burney,
House bill No. 113.

"An act to divide the western portion of Tom Green county into six new counties," was taken up and read second time with favorable committee report

SENATOR BURGESS

Moved to strike out the words "before the evacuation of Richmond" and insert in lieu thereof the words "who gloriously fell leading his regiment in the charge at the second battle of Manassas," in the county of Upton.

Adopted.

SENATOR POPE

Moved to amend by naming the county

of Upton named in honor of Col. John Upton "and his distinguished brother, the Hon. William F. Upton."

Adopted.

The bill as amended was passed to third reading.

On motion of Senator McDonald,
Senate bill No. 155:

"An act to amend Article 2219, of chapter 2, title 38, of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order and read second time with favorable committee report, and

Passed to engrossment.

On motion of Senator Harrison,
Senate bill No. 126.

An act to be entitled:

"An act to amend Article 610, of chapter 5, of title 20, of the Revised Civil Statutes of the State of Texas was taken up out of its regular order and

Read second time with favorable Committee report.

SENATOR BELL:

Spoke at some length in opposition to the bill.

SENATOR LANE

Offered the following amendment:

Amend by adding, provided that the provision of this act shall not apply to corporations incorporated for the purpose of the support of public worship, or any benevolent, charitable, educational, or missionary undertaking, nor for the purpose of maintaining a public or private cemetery.

SENATOR TERRELL

Moved to amend the amendment as follows:

Amend by adding "the support of any literary undertaking, the maintenance of a library, or the promotion of painting, music, or other fine arts, or the encouragement of agriculture or horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products."

Adopted.

The amendment as amended was adopted by the following vote:

YEAS—16.

Abercrombie,	Claiborne,
Allen,	Gregg,
Burges,	Houston,
Calhoun,	Lane,
Camp,	McDonald,

MacManus,
Pope,
Terrell,

Upshaw.
Woods.
Woodward.

NAYS—9.

Armistead,
Bell,
Burney,
Davis,
Field,

Frank,
Harrison.
Jarvis,
Knittle.

ABSENT—2.

Glasscock,

Stinson,

Senators Gregg and McDonald spoke against the bill.

Senators Burney, Allen, Lane and Jarvis spoke in favor of the bill.

SENATOR ALLEN

Offered the following amendment:

Add to bill "provided that this act shall in no wise affect corporations already in existence."

Senators Harrison, Terrell and Glasscock opposed the amendment.

Senators Allen and Frank favored the amendment, which was finally

Lost by the following vote:

YEAS—3.

Allen,
Field.

Frank.

NAYS—21.

Abercrombie,
Armistead,
Bell,
Burges,
Burney,
Calhoun,
Camp,
Claiborne,
Davis,
Glasscock,
Gregg,

Harrison,
Houston,
Jarvis,
Knittle,
Lane,
McDonald.
Terrell,
Upshaw,
Woods,
Woodward.

ABSENT—3.

MacManus,
Pope,

Stinson.

SENATOR HARRISON

Made an extended argument in support of the bill.

SENATOR BURGESS

Offered the following amendment:

Amend by striking out all after the first word "stock," in line 6.

SENATOR POPE

Moved the previous question on the amendment and the engrossment of the bill.

Seconded and main question ordered.
The amendment was lost by the following vote:

	YEAS—10.
Bell,	Gregg.
Burges,	Houston,
Calhoun,	McDonald,
Davis,	Pope,
Frank,	Terrell.

	NAYS—15.
Abercrombie,	Harrison,
Allen,	Jarvis,
Armistead,	Knittle,
Burney,	Lane,
Camp,	Upshaw,
Claiborne,	Woods,
Field,	Woodward.
Glasscock,	

	ABSENT—2.
MacManus,	Stinson.

The Senate refused to engross the bill by the following vote:

	YEAS—11.
Abercrombie,	Harrison,
Allen,	Jarvis,
Armistead,	Lane,
Burney,	Woods.
Camp,	Woodward.
Claiborne,	

	NAYS—14.
Bell,	Gregg,
Burges,	Houston,
Calhoun,	Knittle,
Davis,	McDonald,
Field,	Pope,
Frank,	Terrell,
Glasscock,	Upshaw.

	ABSENT—2.
MacManus,	Stinson.
By leave,	

SENATOR BELL

Sent up a memorial from the Patrons of Husbandry, in reference to the Agricultural and Mechanical College.

Referred to Committee on Education.

By leave,

SENATOR HARRISON

Sent up a bill to be entitled:

"An act to require occupation tax receipts to be posted by persons, firms or corporations, upon whom an occupation tax is levied, in their places of business, and to punish violations of the same.

Referred to Committee on Finance.

SENATOR BURNBY,

By leave,
Sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, February 15, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Public Printing, to whom was referred Senate bill No. 145, entitled:

"An act to amend an act entitled, 'an act to amend articles 1026, 1027, 1028, 1029, 1030 and 1031, and 1032 of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082 of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved May 3, 1882.'" have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute do pass.

The bill provides for the publication of the Supreme and Court of Appeals reports, and the appointment of reporters to prepare for publication such reports, and fixes their compensation for the same.

All of which is respectfully submitted.

BURNBY, chairman.

Bill read first time with committee substitute.

By leave Senator Woodward sent up a request from J. M. O'Neill for the use of the Senate chamber to lecture on insurance.

On motion of Senator Claiborne the request was laid on the table.

SENATOR BELL:

Sent up the following minority report on Senate bill No. 200:

COMMITTEE ROOM,
AUSTIN, February 15, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—The undersigned, a minority of your Committee on Public Lands, to whom was referred Senate bill No. 200, entitled "An act in regard to lands and land titles in Greer county, and to repeal an act entitled 'an act to set aside the public lands embraced within the territorial limits of the county of Greer to educational purposes, and for the payment of the public debt,'" approved February 25, A. D. 1879, so far as it conflicts therewith, not being

able to agree with a majority of your committee, who have reported the same favorably, respectfully assign their reasons for dissenting therefrom:

The validity of the patents sought to be validated is now undergoing judicial investigation. If the patents were properly issued they will be sustained and no legislation is necessary. If they were issued in violation of law we have heard no cause assigned, and know of no sufficient reason why the illegal location should be ratified.

Whatever may have been the intention of the lawmakers when the act granting the certificates to the veterans was passed, the language of the act itself, in our opinion, clearly excludes the idea that they intend to open up the reserved lands in Greer county to the location of the veteran certificates. Such was the contemporaneous interpretation of the Statutes for at two sessions of the Legislature, and before any of certificates were located in Greer county, bills were introduced to authorize the very locations which were afterwards made, and which the bill under consideration seeks to legalize. These bills failed to become a law. After the veterans believing that there was no land upon which they could be located, had parted with their certificates for trivial considerations, the astonishing discovery was made that there was no need of the relief which had been so urgently sought and so persistently refused, because they could be located in Greer county, according to the terms of the original act. Those who held the certificates voluntarily assumed the risk of what has since been found, or at least of what is now supposed to be the illegal locations of the lands, and they now come before this body claiming:

First. That their locations are valid.

Second. That if not valid without legislation, then they have just claims on the munificence of the government. That the proposed legislation would be a proper recognition of the inestimable debt of gratitude which all Texans owe to those who risked their lives that we might enjoy the rich heritage which their bravery won and their wisdom preserved for us.

As to the first ground we say the courts will see that the rights of all, under the laws, are preserved inviolate.

The second is disposed of by the mere statement of the case.

It clearly appears that but few of those who have especial claims upon the bounty of the State would be the recipients of its gratuity under the bill under consideration.

We frankly concede that as a matter of right before the courts this fact should have no effect and would receive no consideration, but when we are to attempt to discharge even a small pittance of the debt due to those to whom we owe so much, we should see that those who are entitled to, receive our acknowledgements and the State's bounty.

This the bill under consideration does not do. It is in the interest of a few men whose right under the law if they have any, we respect and will go to any extent to protect, but whose claims to especial favors we cannot acknowledge.

BELL.
MCDONALD.
HOUSTON.
FRANK.
ARMISTEAD.
GREGG.

On motion of Senator Burges,
The Senate adjourned till 10 o'clock to-morrow morning.

THIRTY-THIRD DAY.

SENATE CHAMBER. }
AUSTIN, February 17, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR ARMISTEAD:

Memorial from citizens of Morris county, praying for a law authorizing the chartering of co-operative stores.

Referred to Judiciary Committee No. 1.

BY SENATOR GLASSCOCK:

Petition from the Farmers' Alliance of Williamson county, asking for increase pay to be allowed jurors and for mileage, also for amendment to the